

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERROL FLYNN SHEPARD,

Defendant.

Case No.: 2:25-cr-00050-GMN-DJA

ORDER

Pending before the Court is Petitioner Erroll Flynn Shepard's Motion for Appointment of Counsel, (ECF No. 6). Petitioner requests that the Court appoint counsel to assist him with a supervised release matter. Specifically, he requests that the Court appoint the Office of the Federal Public Defender and Assistant Federal Public Defender Heidi A. Ojeda to represent him in filing a motion for early termination of supervised release. The Court finds that the appointment of counsel is warranted and in the interest of justice consistent with 18 U.S.C. § 3006A(a)(1)(E).

Further pending before the Court is Petitioner's Motion Seeking Leave to File Financial Affidavit Under Seal, (ECF No. 7). "[A] party seeking to seal a judicial record . . . bears the burden of overcoming [the] strong presumption [that records and documents are public] by meeting the 'compelling reasons' standard." *Ctr. For Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1096 (2016) (citation omitted). Here, Petitioner seeks to file the financial affidavit under seal because it discloses his full financial information. Having reviewed the financial affidavit, the Court agrees with Defendant and finds compelling reasons to seal it.

Also pending before the Court is Petitioner's Motion for Early Termination of Supervised Release (ECF No. 9). Pursuant to 18 U.S.C. § 3583(e)(1), the Court may, after

1 considering the factors set forth in section 3533(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D),
2 (a)(4), (a)(5), (a)(6), and (a)(7) terminate a term of supervised release and discharge the
3 defendant released at any time after the expiration of one year of supervised release, if the
4 Court is satisfied that such action is warranted by the conduct of the person under supervision
5 and is in the interest of justice. The Guide to Judiciary Policy, Volume 8E, Chapter 3, has
6 endorsed criteria for assessing whether an offender who satisfies the minimal statutory factors
7 should be recommended for early termination: At 18 months, there is a presumption in favor of
8 recommending early termination for persons who meet the following criteria: (1) The person
9 does not meet the criteria of a career drug offender or career criminal (as described in 28 U.S.C.
10 § 944(h)) or has not committed a sex offense or engaged in terrorism; (2) The person presents
11 no identified risk of harm to the public or victims; (3) The person is free from any court-
12 reported violations over a 12-month period; (4) The person demonstrates the ability to lawfully
13 self-manage beyond the period of supervision; (5) The person is in substantial compliance with
14 all conditions of supervision; and (6) The person engages in appropriate prosocial activities and
15 receives sufficient prosocial support to remain lawful well beyond the period of supervision.

16 The Court has reviewed Petitioner's Motion and consulted with the United States
17 Probation Office. The Probation Office informs the Court that as of August 26, 2025,
18 Petitioner has completed 37 months of his 120-month term of supervised release, with no
19 known violations. While in the Bureau of Prisons, Petitioner successfully completed the
20 Residential Drug Abuse Program (RDAP) and its aftercare program in the residential reentry
21 center. All drug screens, to date, have been negative for illicit substances in which his last test
22 was submitted on July 18, 2025. He maintains full time employment. Petitioner also recently
23 successfully completed school for commercial driver's license (CDL) and obtained all his
24 certificates.
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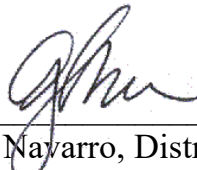
1 After considering the factors set forth in section 3533(a)(1) and the criteria in the Guide
2 to Judiciary Policy, Volume 8E, Chapter 3, the Court finds that Petitioner is eligible for early
3 termination of supervised release. Moreover, Petitioner's Motion for Early Termination of
4 Supervised Release is unopposed by the Government and the United States Probation Office.
5 (See Notice Non-Opp'n, ECF No. 11).

6 **IT IS HEREBY ORDERED** that Petitioner's Motion for Appointment of Counsel,
7 (ECF No. 6), is **GRANTED**. **IT IS FURTHER ORDERED** that this case is referred to the
8 Federal Public Defender and Assistant Federal Public Defender Heidi A. Ojeda. The Clerk of
9 Court is kindly directed to forward this Order to the Office of the Federal Public Defender.

10 **IT IS FURTHER ORDERED** that Petitioner's Motion to Seal, (ECF No. 7), is
11 **GRANTED**.

12 **IT IS FURTHER ORDERED** that Petitioner's Motion for Early Termination of
13 Supervised Release, (ECF No. 9), is **GRANTED**.

14 **DATED** this 4 day of September, 2025.

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18 Gloria M. Navarro, District Judge
19 United States District Court
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